



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

OCTOBER 8, 2002

PRESENT: Acevedo, Benich, Engles, Mueller, Weston

ABSENT: None

LATE: Commissioners Lyle, who arrived at 7:02 p.m and Escobar, who arrived at 7:11 p.m. Upon their arrival(s), both were seated on the dias.

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Acevedo called the meeting to order at 7:00 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Acevedo opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

SEPTEMBER 24, *The September 24, 2002 minutes will be considered at the October 22, 2002 meeting.*
2002

OLD BUSINESS:

- 1) ZA-02-13:** Amendment to Title 18 of the Morgan Hill Municipal Code, Zoning Ordinance, the
CITY OF M.H.- creating Chapter 18.80 and establishing provisions for Development Agreements.
ESTABLISH-
MENT OF PM Rowe presented the staff report indicating this is an attempt to standardize City
CHAPTER documents, such action having been recommended. The City Attorney has determined the
REGARDING viability of two minor changes, which PM Rowe highlighted. He said that for some years,
AGREEMENTS the City has used Development Agreements as a means to guarantee commitments made by

property owners and residential developers as part of the Measure P process. The Agreement in current use is a binding contract that runs with the land until a certificate of completion is recorded. A certificate is recorded once the project or phase of development is completed and all Measure P commitments have been fulfilled.

Continuing, PM Rowe explained that a Development Agreement can also be adopted for a commercial or industrial development. Thus, the Development Agreement serves as a means of providing assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval that will not be altered.

Changes presented - included on page 4:
a division of subsets of #2 into a) b) [1-2-3]
the provision of non-binding

Commissioner Benich asked since the agreement was to be non-binding, would the issue under question be returned to the Planning Commission and/or the City Council? PM Rowe said that would be the anticipated action.

Chair Acevedo opened the public hearing.

With no persons present indicating a wish to address the matter, the public hearing was closed.

Commissioner Benich commented that he was pleased with the wording that made the non-binding optional, but remained concerned about lengthening the time required for action.

Chair Acevedo asked if the issue had been well circulated among the developers? Receiving the information, that to be the case, he said, "Well, there appears to be no concern on the part of the developers."

COMMISSIONERS BENICH/LYLE MOTIONED TO ACCEPT THE NEGATIVE DECLARATION FOR ZA-02-13. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONERS BENICH/MUELLER MOTIONED TO APPROVE RESOLUTION NO. 02-73, INCLUSIVE OF THE CHANGES NOTICED BY STAFF, WHICH RECOMMENDS APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO TITLE 18 OF THE MORGAN HILL MUNICIPAL CODE ENACTING CHAPTER 18.80 REGARDING DEVELOPMENT AGREEMENTS. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

NEW BUSINESS:

**2) ZA-01-12/
SD-02-06/
DA-02-05:
CENTRAL-
CENTRAL
PARK** A request for approval of an amendment to the precise development plan for the “Central Park” residential development located on the north side of East Central Avenue at Calle Hermosa in the R-1 (portion) and R-2 (portion)/RPD, Residential Planned Development District. The request includes a subdivision map for Phase 5A of the development consisting of four single-family detached homes and four single-family attached (duet) homes on 0.97 acres. Also requested is approval of a Development Agreement for Phase 5A of the development.

PM Rowe presented the staff report and reminded the Commission the precise development plan for the 164 -unit Central Park project was approved by the City Council on February 6, 2002, and that the City Council also approved an 18-lot subdivision for the first portion of Phase V of the development. The current subdivision application for this project is for the remaining eight lots in Phase V.

PM Rowe stated that the proposed lot sizes within the phase V area range in size from 3,556 square feet to 7,635 square feet. Each of the proposed lots meets the recommended 40 ft. lot width. The lots seem to be adequately sized to accommodate the proposed units. He advised that staff has reviewed the overall lot and street layout for build-out of the project previously and determined the circulation pattern presents no problems. PM Rowe concluded by stating that staff supports and recommended approval of the applicant’s requests, subject to the findings and conditions contained in the respective Resolutions.

Commissioner Benich requested clarification regarding the differences in numbers of required BMRs. PM Rowe provided the explanation, explaining that Measure P requirements are for established numbers of BMRs per unit within designated phases of the projects. Also calculated, he said, are the time frames for building BMRs.

Commissioner Weston inquired as to the requirement of fire sprinklers necessary in relation to square footage? PM Rowe responded that the minimum is 4200 SF and sprinklering was not required in this phase.

Commissioner Weston also asked that Standard Condition K-2 on page six be checked. This was agreed.

Commissioner Lyle noted that there was confusing language regarding the detention ponds, in that there appears to be need for a second facility. SE Creer said that was not the case.

Chair Acevedo opened the public hearing.

Scott Schilling of South Valley Developers, 16060 Caputo Dr., #160, addressed the Commissioners. He provided information clarifying the site plan, stating there will be a total of 164 units. Mr. Schilling called attention to the required number of BMRs and explained the placement of the units. Requesting a change of location of the BMRs as originally presented, Mr. Schilling said that it was necessary to build the eight houses in the application backing up to existing units. He assured Commissioners that if the proposal under consideration is accepted, that upon obtaining the next five permits, two will be BMRs. Having committed to that action, he asked that the development agreement, as presented, be

modified.

Commissioner Lyle asked to have the specifications for heating within the development agreement explained. Mr. Schilling complied with the request.

Noting no others present to address the matter, Chair Acevedo closed the public hearing.

Commissioner Mueller commented that in this case, it makes sense to look at the total project in determining placement of the BMRs. Other Commissioners concurred with this statement.

COMMISSIONERS MUELLER/WESTON OFFERED RESOLUTION NO. 02-74, RECOMMENDING APPROVAL OF AN AMENDMENT TO A PRECISE DEVELOPMENT PLAN FOR A 164 UNIT R-1(7,000) & R-2 (3,500)/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF EAST CENTRAL AVENUE AT CALLE HERMOSA. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL PRESENT.

Commissioner Engles said he didn't like the 'spot finished projects' the Commission deals with; he suggested a pattern for seeding the open areas, making projects more attractive as they progressed toward completion. Chair Acevedo directed staff to put the matter on a future agenda.

Noting the following amendments: Page 5 / H3, removing the necessity of meeting the criteria as listed and the removal of Item 2 on Page 17, **COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE RESOLUTION NO. 02-75, WITH AMENDMENTS APPROVING AN 8-LOT SUBDIVISION ON A 0.97-ACRE SITE, LOCATED NORTH OF EAST CENTRAL AVENUE AND WEST OF CALLE HERMOSA. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

It is noted that with the passage of Resolution No. 02-75, Page 5 / H3, was deleted, removing the necessity of meeting the criteria as listed and the Item 2, Page 17 was also deleted.

COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE RESOLUTION NO. 02-76 PROVIDING FOR THE ELIMINATION OF THE REQUIREMENT FOR BMRs IN THIS PHASE ARE AGREED, BUT REQUIRING THAT ONE OF THE 1ST FIVE UNITS IN THE NEXT PHASE WILL BE A BMR. RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT DA 02-05 FOR MEASURE P APPLICATION MP-01-10: CENTRAL-CENTRAL PARK. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**3) ZA-02-09/
SD-02-07/
DA-02-06:
LLAGAS-
DELCO/
DIVIDEND**

A request for approval of a 21-lot subdivision located on a 2.8 acre parcel on the west side of Hale Ave., 600 ft. south of the Hale Ave./ Llagas Rd. intersection. Also, requested is approval of a Development Agreement and an amendment to the approved precise development plan for the entire Monte Villa development to incorporate new architectural plans and a revised lot layout for phase three of the Monte Villa project.

PM Rowe conveyed the staff report, calling attention to the changes in lot size as outlined on page 3 of the prepared report. He also provided the background and overview of this project, which has been on-going since first receiving allocations in the 1999 Measure P competition.

The final map has recorded for the 41-unit, phases I and II areas, with no changes proposed for the street pattern, lot layout and lot sizes for those phases. This request, PM Rowe stated, is the incorporation of new housing units, a triplex.

Commissioners asked questions regarding the number of units which PM Rowe addressed.

SE Creer spoke to the issues raised regarding widening Llagas Rd. the whole length, noting that prior discussions have revealed that the City has purchased rights-of-way along the easements. Responding to the continuing discussion of widening that length of roadway, SE Creer said, "It makes more sense to tie it to Phase 3."

Commissioner Lyle asked, if according to the staff report and the numbers contained therein, if the triplex would 'work' with the attached and detached units? An affirmative answer was provided.

Commissioner Mueller asked if there would be an installation of a traffic light at Hale and Wright Avenues. SE Creer responded that there is not a need for a traffic signal at this time.

Commissioner Benich asked if there would be an impact on the Measure P points as awarded, noting the changes in the size of homes, or in the amounts of open space because of more two-story homes being planned? "No," replied PM Rowe, "two-story homes often have a smaller building footprint and therefore would not impact the amount of open space in the project."

Responding to an issue raised by Commissioner Lyle, PM Rowe said that the second-story set back differences were noted in the staff report.

Chair Acevedo opened the public hearing.

Applicant Dick Oliver, 275 Saratoga Ave., #105, Santa Clara, explained the proposed triplex location, saying he has discussed the matter with staff. The location of the detached units and the triplex have been agreed to by staff, he said, noting that the larger lot is preferable for the single-family dwelling.

Gary Hirose, 18018 Hillwood Lane, said he lived down the street from the development at the corner of Hale and across the street from the new development site. He asked if there had been a traffic impact study? He specifically inquired about the traffic impacts on Hale Ave from Main St. to Bailey. Mr. Hirose contended there would be considerable traffic increase as a result of the new development.

PM Rowe explained the series of traffic studies which had been conducted in regard to the project. He also talked about the request for a traffic light, which SE Creer reiterated was not feasible at this time.

SE Creer commented that the majority of the traffic is currently diverting from 101.

Chair Acevedo explained to Mr. Hirose that the traffic studies are on file in the Planning Department and can be viewed by the public.

With no others present to address the matter, the public hearing was closed.

Mr. Oliver was asked to identify and explain the location for the triplex. He did so with the aid of a map.

Commissioner Lyle asked if there had been adequate parking identified for the triplex? PM Rowe advised that with some slight adjustments to Lots 4, 5 & 6, it has been determined that the units will work and provide for some 'squaring up' of adjoining units.

Commissioner Weston led a discussion of the 12.5 foot setbacks and the effect of decreased sunlight to side yards with the increase of height of the two-story homes.

Commissioner Mueller asked Mr. Oliver how far the 12.5-foot set-back will be violated. Mr. Oliver responded that issue has been addressed, but he did not have the information at hand to present.

COMMISSIONERS MUELLER/BENICH OFFERED RESOLUTION NO. 02-77 RECOMMENDING APPROVAL OF AN AMENDMENT TO A PRECISE DEVELOPMENT PLAN FOR A 62 UNIT R-1(7,000) & R-2 (3,500)/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF LLAGAS AVENUE, AND THE WEST SIDE OF HALE AVE. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Following agreement to amend Page 17 of Other Conditions, # 9, to read that lots 11, 12 & 13 will be combined to accommodate the proposed triplex, **COMMISSIONERS MUELLER/BENICH OFFERED RESOLUTION NO. 02-78 APPROVING A SUBDIVISION CONSISTING OF 21 SINGLE-FAMILY RESIDENTIAL LOTS ON 6 ACRES LOCATED ON THE WEST SIDE OF HALE AVE., 600 FT. SOUTH OF THE HALE AVE./LLAGAS RD. INTERSECTION. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS MUELLER/BENICH OFFERED RESOLUTION NO. 02-79 RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT DA 02-06 FOR MP 01-05: LLAGAS-DELCO. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONERS MUELLER/LYLE MOTIONED TO REQUEST THE CITY OF MORGAN HILL MAXIMIZE EFFORTS TO EXPAND LLAGAS RD., COMPLETING THE AREA FROM ITS' PRESENT LOCATION TO HALE AVE. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

OTHER BUSINESS:

**4) LARGE
GROUP
ASSEMBLY
FACILITIES
REPORT**

PM Rowe gave the staff report saying that in recent years the County Planning Office has received a number of inquiries concerning the development of large private schools, churches, and other kinds of urban scale, large group assembly facilities in the rural unincorporated areas. Many of the organizations making these inquiries have had difficulty finding suitable, affordable sites within existing urban areas of the County.

PM Rowe explained the County's current General Plan policies allow a variety of assembly uses, but not at an urban scale. The County's basic urban development policies state that urban development should only occur within cities and not in the rural unincorporated areas.

The County Planning Office, PM Rowe said, has prepared a report providing background information and policy options that would enable the Board of Supervisors to weigh the potential advantages and disadvantages of changing County policies to allow development of urban scale large group assembly facilities in the rural unincorporated areas of the County. The areas under consideration for such facilities would include the unincorporated area around Morgan Hill. The Santa Clara County Board of Supervisors expressly excluded from the study area portions of the Coyote Valley designated as "Greenbelt" in the City of San Jose's General Plan. The Board also excluded the unincorporated hillside areas from consideration.

City Planning Staff has reviewed the report and finds that the County Planning staff has done a good job of addressing the pros and cons of locating urban scale, large group assembly facilities in the rural unincorporated areas. In fact, PM Rowe stated, the report provides a compelling argument that this type large scale urban use should not be allowed in the rural unincorporated areas. PM Rowe then articulated some of the more apparent reasons are traffic, loss of agricultural land and land use compatibility, consistency with land use policies, and impact on City services.

PM Rowe said that City staff concluded that rather than opening the door to urban development in the unincorporated areas, the County should advocate the cities to increase their efforts to accommodate large group assembly facilities in the incorporated areas. To this end, San Jose's Planning Department recently indicated that it is about to begin the preparation of a specific plan for all of Coyote Valley, including the "Urban Reserve" area. The plan developed for the Urban Reserve area would be for a "full service" community that would include provisions for churches and other large group assembly facilities.

Morgan Hill could consider this issue as part of the imminent Greenbelt Study, PM Rowe reported. Work on the Greenbelt Study will begin after the first of the year and staff could examine the feasibility of accommodating large group assembly facilities within future urban areas of the City that will be outside of the Greenbelt.

The discussion needed by staff of Commissioners is necessary, PM Rowe explained, because the County Planning Office is requesting that the City provide comment on the report. A public hearing on the draft report is scheduled before the Board of Supervisor's Housing, Land Use, Environment, and Transportation Committee. To be included in the agenda packet for the October 24 meeting, the City's written comments need to be submitted by October

18, 2002, PM Rowe said.

Chair Acevedo opened the public hearing..

With no persons indicating a desire to speak to the issue, the public hearing was closed.

Commissioners listed the following concerns of the report:

- Page 5: The exclusion of the Greenbelt of San Jose, noting that Morgan Hill is just beginning to develop their own Greenbelt plan, with no mention in the report of consideration of Morgan Hill.
- Page 6: A lack of definition of 'small and large'.
- Pages 10 - 14: The issue(s) of potential costs, the likelihood that may be an increased impact on agricultural uses.
- Page 24: The need for ground rules to prevent political maneuvering.

The matrix on page 27 of the report was considered. Commissioners Lyle, Escobar, Mueller, Engles, and Weston said that because of the potential confusion and resultant problems for local City government, they favored "No" on the matrix.

Chair Acevedo said he generally would favor the "No" column, but would like to continue discussion on allowing for recreation/entertainment facilities so long as it would not increase urbanization. Commissioner Benich said he wanted to explore the "Yes" column with conditions.

Commissioner Escobar reminded this issue has surfaced in many ways in the past. If such facilities should be allowed, they should be placed closed to City limits so conditions could be placed on the uses consistent with City guidelines, ensuring compatibility. "However," he said, "if such a plan is ever engaged, strictly detailed allowances must be considered."

Commissioner Mueller said he foresees problems with conflict as in the area of the northwest corner of Tennant and ~~Hale~~ Hill. For example, if a LGAF were to locate near the North West corner of Tennant/Hill, the facility location would cause issues for the City when the City is ready to develop in that area. He went on to state that he believes that such action by the County should not be allowed, but instead, that cities should be encouraged to plan for large facilities within City limits.

Commissioner Escobar stated that the County needs to live up to a long standing policy of having the large facilities and other urban uses developed within the Cities.

By consensus of all present, any additional comments will be e-mailed to staff before the announced deadline.

5) NOTICE OF PREPARATION REVIEW FOR PROPOSED BUTTERFIELD BLVD. S.C. PM Rowe provided the information from the staff report regarding the item which Commissioners then discussed. The report prepared by a consultant to County Staff is a notice of the preparation of a draft EIR, PM Rowe said. Commissioners noted that the site has long been under consideration by the City for the construction of a new police and/or fire station.

COUNTY COURTHOUSE Commissioner Lyle asked for clarification on how traffic studies are completed for such projects. Commissioner Engles said it is important to identify the possible pedestrian overcrossing for the area. PM Rowe explained that there is agreement with the County stipulating use of the City's pedestrian crosswalk.

Chair Acevedo opened the public hearing.

With no one present to address the matter, the public hearing was closed.

Commissioner Benich stated that because of the contribution required of \$7 million, the City should parallel the EIR (both City and County facilities) every step of the way. He said the City should get the best value for the citizens of Morgan Hill.

Commissioner Mueller expressed concern that the proposed County facility has enlarged as time has gone on. He stated that the City needs to take a position that this site is needed for a police station. "It is good to have a police station next to the Courthouse, even though the Sheriff's office staffs the Courthouse," he said.

Commissioner Engles said that in discussion of potential danger elements at the Courthouse, a police presence is of great benefit.

Commissioner Mueller reminded that the neighborhood is very concerned about the facility being here and a police station would make them feel better.

Noting Commissioners concerns and the importance of inclusion of the City's needs in the project scope, Commissioner Mueller said any inconsistencies should be cleared now.

Commissioner Lyle reiterated his concern about traffic asking what happens if this use causes Butterfield to need either 6 lanes now or sooner than it would with less intensive uses?

ANNOUNCEMENTS:

Commissioner Mueller distributed a Smart Growth Strategy - Regional Livability Footprint Project, calling attention to information on page 3 of the document. He said it is important to ascertain the timing from ABAG regarding the housing goals, as well as pin-pointing where ABAG intends for growth to occur.

ADJOURNMENT: There being no further business, Chair Acevedo adjourned the meeting at 9:13 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk